



Sh.R.P.Mittal , # 20 Sukhmani Enclave,
PO Tower Town Colony, Jalandhar -144014
(9815483298)

.....Appellant

Vs

Public Information Officer,
O/o Additional Chief Secretary to Govt. of Punjab
Department of Governance Reforms,
Chandigarh

.....Respondent

CC.No. 810 of 2021

Present: (i) Sh. R.P.Mittal the appellant through CISCO Webex
(ii) for the respondent :Smt. Prabhjeet Kaur, Law Officer (8054211398), Sh.
Amanpreet Singh, Sr. Assistant (9822846222)

ORDER

1. The RTI application is dated 23.02.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 18.10.2021 i.e. today.
3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.



CC.No. 810 of 2021

4. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

6. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

7. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Sd/-

Dated : 18.10.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Copy is forwarded by Regd. Post for necessary compliance to :-
First Appellate Authority

O/o Addl. Chief Secretary to GOP
Department of Governance Reforms,
Chandigarh



Sh. V.Kumar (President)
MACC, # 450, Sector 3C,
Post Office Road, Mandi Gobindgarh – 147301
(9041664114)

.....Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Fatehgarh Sahib

First Appellate Authority,
O/o Deputy Commissioner,
Fatehgarh Sahib

.....Respondent

AC.No. 2486 of 2021

Present: (i) None is present on behalf of the appellant
(ii) for the respondent :Smt. Rupinder Kaur, Clerk (9855825894) --

ORDER

This order may be read with reference to the previous order dated 18.08.2021. During the last hearing the respondent stated that the SSP office had rejected the application of the appellant for issuance of new armed license no. 90/2013. He had also filed his written reply. Hence, the respondent was directed to send the letter of SSP office vide which the SSP office had rejected the application of the appellant for armed license no. 90/2013 to the Commission.

2. Today the appellant Sh. V.Kumar is absent.
3. The respondent states that the information has been sent to the appellant
4. The perusal of the file shows that the respondent has sent the information as demanded by the appellant. Copy of the same is taken on record. The respondent states that the information has also been sent to the appellant. The appellant is absent today. He has not informed the Commission about his absence for today's hearing, hence it is presumed that he is satisfied with the information.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



AC.No. 2486 of 2021

5. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 18.10.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Jasbir Singh,
Guru Nanak Nagar, Village Bolapur,
Jhabewal, Post Office Ramgarh,
District Ludhiana – 141123 (9888286107)

.....Appellant

Vs

Public Information Officer,
O/o SDM, Banga, Distt. SBS Nagar
First Appellate Authority,
O/o SDM, Banga, Distt. SBS Nagar

.....Respondent

AC.No. 2472 of 2021

Present: (i) Sh. Jasbir Singh the appellant
(ii) for the respondent : None is present on behalf of the respondent

ORDER

This order may be read with reference to the previous order dated 18.08.2021 vide which the respondent was absent and one opportunity was given to him to appear before the Commission and state his case.

2. The appellant Sh. Jasbir Singh states that he has received the information and is satisfied.
3. The respondent is absent today.
4. Since, the appellant has received the information and is satisfied, hence no cause of action is left, therefore the appeal case filed by the appellant is **disposed of and closed.** Copy of the order be sent to the parties.

Sd/-

Dated : 18.10.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Helpline No. 0172-2864100



Sh. Satinder Singla,
Flat No. 623, 2nd Floor, New Mata Gujar Enclave
Kharar, Distt. SAS Nagar (7696209000)

.....Complainant

Vs

Public Information Officer,
O/o MC, Kharar, Distt. SAS Nagar

.....Respondent

CC.No. 752 of 2021

Present: (i) Sh. Satinder Singla the complainant (in the Commission office)
(ii) for the respondent : Sh. Jaswant Singh, Draftsman-cum-APIO
(8295271122) in the Commission office

ORDER

This order may be read with reference to the previous order dated 18.08.202 vide which the complainant was directed to inspect the record.

2. The appellant Sh. Satinder Singla states that he has received the information.
3. Since the complainant has received the information, no cause of action is left, hence the complaint case filed by the complainant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 18.10.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab